

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES EDWARD COLEN,  
Plaintiff,

v.

Civil Action No.: 14-12948  
Honorable Paul D. Borman  
Magistrate Judge Elizabeth A. Stafford

CORIZON HEALTH, INC. *et al.*,  
Defendant.

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**ORDER STRIKING PLAINTIFF'S RESPONSE TO  
DEFENDANTS' AFFIRMATIVE DEFENSES [43]**

On March 5, 2015, Colen filed a response to Defendants Alford, Corizon, Jindal, Prasad and Suchhir's affirmative defenses to his amended complaint. [43]. However, under the Federal Rules of Civil Procedure, a response to an answer is "allowed" only "if the court orders one." Fed. R. Civ. P. 7(a)(7). The Court did not order Colen to respond to Defendants' affirmative defenses, so his response [43] is hereby **STRICKEN**.<sup>1</sup>

**IT IS SO ORDERED.**

<sup>1</sup> Colen should be aware that Defendants' inclusion of a defense under Fed. R. Civ. P. 12(b)(6) is not the same as making a motion to dismiss under that rule, and thus the Court's striking of the instant response does not prevent Colen from making these same arguments against dismissal in the event Defendants were to actually move to dismiss his complaint under that Rule.

Dated: March 10, 2015  
Detroit, Michigan

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 10, 2015.

s/Marlana Williams  
MARLENA WILLIAMS  
Case Manager